

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Delaware

AVENTIS PHARMA S.A.,

Plaintiff,

V.

BAXTER HEALTHCARE CORP.,

Defendant.

SUMMONS IN A CIVIL CASE

CASE NUMBER: 06-636-GMS

TO: (Name and address of Defendant)

Baxter Healthcare Corp.
c/o James G. Gilliland, Jr., Esquire (by agreement)
Townsend and Townsend and Crew LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Steven J. Balick
Ashby & Geddes
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

February 8, 2007

CLERK

DATE



(By) DEPUTY CLERK

Service of the Summons and complaint⁽¹⁾

DATE _____

February 8, 2007 (see note 1, below)

NAME OF SERVER (PRINT)

Steven J. Balick

TITLE

Delaware counsel to plaintiff

Check one box below to indicate appropriate method of service

- ## STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 2-8-07
Date

Steven J. Bolit
Signature of Server

Address of Server

Ashby & Geddes
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899

1. By agreement between the parties, the effective date of service is February 9, 2007.
2. Served defendant's counsel, James Gilliland, Jr., Esquire, at the address on the front of this summons, by agreement of the parties. Service was via Federal Express sent on February 8, 2007 for delivery on February 9, 2007.

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.